

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JOHN KARATHANOS, on behalf of	:	Case No. 2:17-cv-01091 ADS AYS
himself and all others similarly situated,	:	
	:	
Plaintiff,	:	
	:	Hon. Arthur D. Spatt
vs.	:	
	:	
QUINCY BIOSCIENCE HOLDING	:	
COMPANY, INC., a corporation;	:	Oral Argument Requested by
	:	Separate Letter
QUINCY BIOSCIENCE, LLC, a	:	
limited liability company;	:	
	:	
PREVAGEN, INC., a corporation d/b/a	:	
SUGAR RIVER SUPPLEMENTS;	:	
	:	
QUINCY BIOSCIENCE	:	
MANUFACTURING, LLC, a limited	:	
liability company;	:	
	:	
MARK UNDERWOOD, individually and	:	
as an officer of QUINCY BIOSCIENCE	:	
HOLDING COMPANY, INC., QUINCY	:	
BIOSCIENCE, LLC, and PREVAGEN,	:	
INC.; and	:	
	:	
MICHAEL BEAMAN, individually as an	:	
officer of QUINCY BIOSCIENCE	:	
HOLDING COMPANY, INC., QUINCY	:	
BIOSCIENCE, LLC, and PREVAGEN,	:	
INC.	:	
	:	
Defendants.	:	

**NOTICE OF DEFENDANTS QUINCY BIOSCIENCE HOLDING
COMPANY, INC., QUINCY BIOSCIENCE, LLC, PREVAGEN, INC.,
QUINCY BIOSCIENCE MANUFACTURING, LLC, MARK UNDERWOOD,
AND MICHAEL BEAMAN'S MOTION TO DISMISS THE COMPLAINT**

PLEASE TAKE NOTICE that, on a date and time to be determined by the Court, Defendants Quincy Bioscience Holding Company, Inc., Quincy Bioscience, LLC, Prevagen, Inc. Quincy Bioscience Manufacturing, LLC, Mark Underwood, and Michael Beaman (“Defendants”), through their undersigned counsel, Kelley Drye & Warren LLP, will move this Court at the United States Courthouse for the Eastern District of New York, 100 Federal Plaza, Central Islip, New York 11722, pursuant to Rules 8(a), 9(b), 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure for an Order dismissing Plaintiff John Karathanos’s Complaint with prejudice, along with such other, further and different relief as this Court deems just and proper.

PLEASE THAT FURTHER NOTICE that, in support of this Motion, Defendants shall rely on their supporting Memorandum of Law dated May 20, 2019, the Declaration of Mark Y. Underwood dated May 16, 2019, the Declaration of Michael Beaman dated May 15, 2019, and the Declaration of Glenn T. Graham dated May 20, 2019.

Dated: May 20, 2019

KELLEY DRYE & WARREN LLP

By: /s/ Geoffrey W. Castello
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Attorneys for Defendants Quincy Bioscience Holding Company, Inc., Quincy Bioscience, LLC, Prevagen, Inc., dba Sugar River Supplements, Quincy Bioscience Manufacturing, LLC, Mark Underwood, and Michael Beaman

CERTIFICATION OF FILING AND SERVICE

I hereby certify that on the 20th day of May 2019, a copy of the foregoing **NOTICE OF DEFENDANTS QUINCY BIOSCIENCE HOLDING COMPANY, INC., QUINCY BIOSCIENCE, LLC, PREVAGEN, INC., QUINCY BIOSCIENCE MANUFACTURING, LLC, MARK UNDERWOOD, AND MICHAEL BEAMAN'S MOTION TO DISMISS THE COMPLAINT**, and supporting **MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS THE COMPLAINT, DECLARATION OF MARK Y. UNDERWOOD, DECLARATION OF MICHAEL BEAMAN, AND DECLARATION OF GLENN T. GRAHAM WITH EXHIBIT 1** were filed via Electronic Case Filing. Notice and copies of this filing will be sent to all parties via the Court's Electronic Case Filing System.

By: /s/ Geoffrey W. Castello
Geoffrey W. Castello

*Attorneys for Defendants Quincy Bioscience
Holding Company, Inc., Quincy Bioscience,
LLC, Prevagen, Inc., dba Sugar River
Supplements, Quincy Bioscience
Manufacturing, LLC, Mark Underwood, and
Michael Beaman*